IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.2581 OF 2005
TO
CRI.W.P.NO.2587 OF 2005

Jasmin Bhogilal Shah ..Petitioner

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr.Rishi Bhuta Advocate for Petitioner
Mr.U.V.Nikam A.P.P. for the State
in 2581, 2585 and 2587 of 2005
Mr.B.H.Mehta A.P.P. for the State
in 2582 of 2005
Mr.S.R.Shinde A.P.P. for the State
in 2583 of 2005
Mr.V.B.Konde-Deshmukh, A.P.P. for the
State in 2584 and 2586 of 2005

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 26, 2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process issued by the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai in C.C.Nos.697/SS/2004,

698/SS/2004, 337/SS/2004, 695/SS/2004, 694/SS/2005, 696/SS/2004 and 691/SS/2004. In the said cases, process was issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revisions will be preferred within five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks.

5. On the necessary revisions being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]